

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. Keith Attorney Docket No.: 125474
Application No.: 09/802,005 Art Unit: 3693 / Confirmation No: 7701
Filed: March 8, 2001 Examiner: D.S. Felten
Title: AUTOMATED TRADING NEGOTIATION PROTOCOLS

RESPONSE TO NON-FINAL REJECTION

Seattle, Washington 98101
May 2, 2008

TO THE COMMISSIONER FOR PATENTS:

This paper is responsive to the Office Action dated April 2, 2008. In the Office Action, the Examiner acknowledged that applicant's reply filed December 27, 2007, was *bona fide* but indicated that the response was not fully responsive in that it was uncertain what the treatment of Claims 53-64 should be. Applicant submits that Claims 53-64 should be examined.

In applicant's September 24, 2007, response to the restriction requirement dated August 22, 2007, applicant elected Claims 12-15, 29-36, 39-46, and 47-52 ("Group I") with limited traverse as to Claims 53-64 ("Group II"). Pursuant to this election, Claims 53-64 were indicated as "(Withdrawn)." However, applicant pointed out the related subject matter in Claims 12 and 53. Claim 12 recites a method that includes certain actions that are performed by computer, while Claim 53 recites a computer-accessible medium having executable instructions stored thereon that, when executed, cause a computer to perform the claimed method. Under the guidance of MPEP § 806.05(c), the restriction of Claims 53-64 should be withdrawn and the claims examined with the rest of the elected claims.

Applicant's reply filed December 27, 2007, also elected the species of Claim 35 for examination. Since Claim 29 is generic to both Claims 34 and 35, applicant further requests rejoinder and allowance of non-elected Claim 34 once the patentability of Claim 29 is confirmed.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

For the above reasons, applicant requests examination of Claims 12-15, 29-33, 35-36, 39-46, and 47-64 at this time. Should there be any questions or issues that can be resolved by telephone, the Examiner is invited to contact the undersigned counsel at the number indicated below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100